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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
IN RE THE APPLICATION OF:

Gallmeyer et al.

Grp. Art. Unit: 3753

Application No: 10/774,856

Examiner: Lee, Cloud K.

Filing Date: February 9, 2004

Date: October 10, 2008

METHOD AND APPARATUS FOR
SEAT DETECTION AND SOFT SEATING
IN A PIEZOELECTRIC DEVICE ACTUATED
VALVE SYSTEM

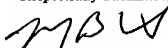
Atty. Dkt. No: 99-647.1

SUBMISSION OF SUBSTITUTE TERMINAL DISCLAIMER

Please substitute the attached Terminal Disclaimer in place of the one filed earlier by the undersigned attorney, who is not of record for this application. The attached Terminal Disclaimer is signed by Laurie J. Huxtable, Assistant Secretary of Caterpillar Inc. who has authority on behalf of Caterpillar Inc. to sign the Terminal Disclaimer.

This application should now be in condition for allowability. However, if some additional clarification is needed, the Examiner is invited to contact the undersigned attorney at (812) 333-5355 in order to hasten the prosecution of this application.

Respectfully Submitted,



Michael B. McNeil
Reg. No. 35,949

I certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office by Fax No. 571-273-8300 on the 13th day of October, 2008.
Printed name of person signing this certificate: Jennifer True Signature

OCT 14 2008

PTO/SB08 (2-08)

Approved for use through 09/30/2008, OMB 0001-0001

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REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
99-647.1

In re Application of: Gallmeyer et al.

Application No.: 10/774,056

Filed: 02-09-2004

For: Method and Apparatus For Seat Detection And Soft Seating In A Piezoelectric Device
Actuated Valve System

The owner, Caterpillar Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,265,115 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

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- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is released; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney or agent of record. Reg. No. _____

Laurie J. Huxtable 10-1-08
Signature Date
Laurie J Huxtable, Assistant Secretary, Caterpillar Inc
Typed or printed name

309-675-4610

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.206(s) included.

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